



# Peacehaven Town Council

## Councillor Co-Option Policy

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## **1. Introduction**

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to Peacehaven Town Council (PTC). The Co-option procedure is managed by the Town Clerk up to the point of the Council meeting in which the Co-option will take place, and this policy will ensure that a fair and equitable process is carried out.

## **2. Co-option Post Elections ('35days dispensation' rule)**

There are two ways to fill these vacancies; co-option under a 'special dispensation' arrangement and the normal 'casual vacancy' process.

Under the 'special dispensation' arrangement, the Council has 35 days from the date of the elections in which it can directly co-opt to fill its remaining vacancies at a meeting of Council; the associated costs and more lengthy casual vacancy process are avoided.

## **3. Co-option Casual Vacancy**

The Co-option of a Town Councillor normally occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. A casual vacancy occurs when:

- A Councillor fails to make his declaration of acceptance of office at the proper time;
- A Councillor resigns;
- A Councillor dies;
- A Councillor becomes disqualified;
- A Councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body.

The Town Clerk has to notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors notify the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council and the electors will be asked to vote for candidates who will have put themselves forward by way of nomination paper. PTC will pay the costs of the election. The electors have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election but the Electoral Officer will advise the Town Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advertised by the District Council, PTC is able to co-opt a volunteer.

#### **4. Confirmation of Co-option**

On receipt of written confirmation from the Electoral Services Office of the District Council the casual vacancy can be filled by means of Co-option. The Town Clerk will:

- Advertise the vacancy for four weeks on the council notice boards and website;
- Advise PTC that the Co-option Policy has been instigated.

PTC is not obliged to fill any vacancy. Even if the council invites applications for co-option it is not obliged to select anyone from the candidates that apply.

However, despite this it is not desirable that electors be left underrepresented for a significant length of time, neither does it contribute to effective and efficient working of the council if there are insufficient councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of PTC.

#### **5. Eligibility of Candidates**

PTC is able to consider any person to fill a vacancy provided that:

- They are an elector of the Town; or
- Have resided in the Town for the past twelve months or rented/tenanted land or other premises in the Town; or
- Had their principal place of work in the Town; or
- Live within three miles (direct) of the Town.

There are certain disqualifications for election, of which the main are:

- Holding a paid office under the Local Authority;
- Bankruptcy;
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election; and
- Being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

#### **6. Applications**

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so candidates will be requested to:

- Submit information about themselves by way of completing a short application form (Appendix 1)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix 2)

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the application will be circulated to all Councillors by the Clerk at least three clear days before the meeting of the full Council when the Co-option will be considered. All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of PTC. Candidates will also be informed that they will be invited to speak about their application at the meeting.

## **7. At the Co-option Meeting**

At the Co-option meeting candidates will be given five minutes maximum to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of PTC. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and their personal attributes, the Council will resolve to exclude the members of the press and public.

Councillors may ask questions of the candidates, with any questions being asked to all candidates to ensure fairness. The Chair may ask other candidates to leave the room whilst a candidate is answering questions.

As soon as all candidates have finished giving their submissions the Council will proceed to vote on the acceptability of each candidate considering any personal statements provided by the candidate(s). Voting will be by a show of hands. The vote will be recorded.

In order for a candidate to be elected to PTC it will be necessary for them to obtain an absolute majority of votes cast. If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes the Chair of the meeting has a casting vote.

After the vote has been concluded the Chair will declare the successful candidate duly elected and, after signing their Declaration of Acceptance of Office, the newly Co-opted Councillor will take their seat immediately.

The Clerk will notify Electoral Services of the new appointment. The successful candidate(s) must complete their 'Registration of Interests' within 28 days of being elected. The form should be handed to the Town Clerk for forwarding to the Monitoring officer.

If insufficient candidates come forward for co-option the process should continue, whereby the vacancies are again advertised.

## APPENDIX 1

### Application for Co-option

Thank you for your interest in becoming a Peacehaven Town Councillor. Please provide the below information to assist the council in making their decision.

<b>Full name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>Which Ward are you Applying For?</b>	West Ward

<b>About You</b> Please provide the council with some background information about yourself.

**Reasons for Applying**

Please provide the council with your reasons for wanting to become a Councillor.

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<b>Signature</b>	
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Your application also requires signatures of 2 registered electors (known as a proposer and seconder) from the Town area:

	<b>Proposer</b>	<b>Seconder</b>
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Town Clerk. Your application will be considered at the next available Council meeting, which you will be invited to attend, where a vote will be held to decide whether the Council agrees to co-opt you onto Peacehaven Town Council.

**Data Protection Act: The information provided on this application will remain private and confidential and will only be used for the purpose intended.**

**Peacehaven Town Council is duty bound to treat this information as strictly confidential.**

Co-option Eligibility Form

1. In order to be eligible for co-option as a Peacehaven Town Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll, the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:

- a) I am registered as a local government elector for the Town; or
- b) I have, during the whole of the twelve months preceding the date of my co-option occupied as owner or tenant land or other premises in the Town; or
- c) My principal or only place of work during those twelve months has been within the Town; or
- d) I have during the whole twelve months resided in the Town or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if they:

- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- i. If the bankruptcy is annulled on the grounds that either person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, it ceases on the expiry of five years from the date of discharge.

**Declaration**

I.....hereby confirm that I am eligible for the vacancy of Peacehaven Town Councillor, and the information given on this form is true and accurate record.

Signature.....